

Alexandria Division

Defendant.

The government must produce the entire statement to the defense if “the entire statement relates to the subject matter of the witness’s testimony.” *Id.* R. 26.2(b). To the extent that “the

statement contains information that is privileged or does not relate to the subject matter of the witness's testimony, the court must inspect the statement in camera." *Id.* R. 26.2(c). "After excising any privileged or unrelated portions, the court must order delivery of the redacted statement to the moving party." *Id.*

In accordance with this rule, the government submits the attached documents for the Court's in camera inspection. The documents consist of internal FBI operations plans/orders that the Special Agent prepared or adopted in the course of the investigation. As evident from a review of these internal documents, they contain sensitive details about the FBI's methods and operational planning, and details about participating FBI agents. The Special Agent will not be testifying about these operations on direct examination, so the vast majority of the information in these documents does not relate to the Special Agent's testimony. Nor would the redacted details in the documents be helpful to the defense. That said, the documents contain statements with limited background information that relates to matters that the Special Agent will testify to on direct examination. The government therefore seeks authorization to produce the redacted versions to provide those statements to the defense.

Specifically, as explained further below, the government requests that the Court authorize it to produce the redacted documents in Exhibits A, D, F, and H, and delete from discovery the unredacted documents in Exhibits B, C, E, G, I, and J:

- Exhibit A is a redacted version of an operations plan that provides the defense with statements that will relate to the Special Agent's testimony. The rest of the statements in the operations plan will not relate to the Special Agent's testimony. Exhibit B is the unredacted version. The government requests the Court's authorization to produce Exhibit A and not Exhibit B.
- Exhibit C contains similar operations plans. The plans contain the same verbatim statements related to the Special Agent's testimony as Exhibit A. Otherwise, the rest of the statements in the operations plans will not relate to the Special Agent's testimony. Because the government is already producing the discoverable

statements in Exhibit A, the government requests that the Court authorize it not to produce the operations plans in Exhibit C.

- Exhibit D is a redacted version of an operations plan that provides the defense with statements that will relate to the Special Agent's testimony. The rest of the statements in the operations plan will not relate to the Special Agent's testimony. Exhibit E is the unredacted version. The government requests the Court's authorization to produce Exhibit D and not Exhibit E.
- Exhibit F is a redacted version of an operations plan that provides the defense with statements that will relate to the Special Agent's testimony. The rest of the statements in the operations plan will not relate to the Special Agent's testimony. Exhibit G is the unredacted version. The government requests the Court's authorization to produce Exhibit F and not Exhibit G.
- Exhibit H is a redacted version of an operations order that provides the defense with statements that will relate to the Special Agent's testimony. The rest of the statements in the operations order will not relate to the Special Agent's testimony. Exhibit I is the unredacted version. The government requests the Court's authorization to produce Exhibit H and not Exhibit I.
- Exhibit J contains similar operations orders. The orders contain the same verbatim statements related to the Special Agent's testimony as Exhibit H. Otherwise, the rest of the statements in the operations orders will not relate to the Special Agent's testimony. Because the government is already producing the discoverable statements in Exhibit H, the government requests that the Court authorize it not to produce the operations plans in Exhibit J.

For the foregoing reasons, the government requests that the Court enter the enclosed proposed order.

Respectfully submitted,

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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

/s/
Thomas W. Traxler
Assistant United States Attorney